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FILED

MAR 10 2022

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

Mark C. McCartt, Clerk
U.S. DISTRICT COURT

UNITED STATES OF AMERICA,

Case No. 21-CR-281-GKF

Plaintiff,

v.

DEREK RAY FLAMING,

Defendant.

**SECOND SUPERSEDING
INDICTMENT**

[COUNTO ONE: 18 U.S.C. §§
1466A(a)(1) and 3261(a)(1) – Receipt
of an Obscene Visual
Representation of the Sexual Abuse
of Children;
COUNTO TWO: 18 U.S.C. §§
1466A(a)(1) and 3261(a)(1) –
Distribution of an Obscene Visual
Representation of the Sexual Abuse
of Children;
COUNTO THREE: 18 U.S.C. §§
2241(c) and 3261(a)(1) – Aggravated
Sexual Abuse;
COUNTO FOUR: 18 U.S.C. §§
113(a)(1) and 3261(a)(1) – Assault
with Intent to Commit Sexual
Abuse;
COUNTO FIVE: 18 U.S.C. §§
2242(1) and 3261(a)(1) – Attempted
Sexual Abuse]

THE GRAND JURY CHARGES:

GENERAL ALLEGATIONS

1. The conduct alleged in this Superseding Indictment occurred outside the jurisdiction of any particular state and district and within the venue of the United States District Court for the Northern District of Oklahoma, as provided by Title 18, United States Code, Section 3238.

2. Between on or about January 1, 2016, and on or about February 5, 2017, the defendant, **DEREK RAY FLAMING**, a citizen of the United States, was accompanying the Armed Forces outside the United States, as defined in Title 18, United States Code, Section 3267(2), that is:

- a. The defendant, **FLAMING** was the dependent of a member of the United States Armed Forces stationed at United States Army Garrison (USAG) - Yongsan, within the Republic of Korea;
- b. The defendant was residing with such member of the United States Armed Forces outside the United States in the Republic of Korea;
- c. The defendant was not a national of or ordinarily a resident in the Republic of Korea; and
- d. The conduct described in Counts One and Two of this Superseding Indictment occurred at or near USAG – Yongsan, within the Republic of Korea.

3. The conduct described herein constitutes an offense which would be punishable by imprisonment for more than one year if the conduct had been engaged in within the special maritime and territorial jurisdiction of the United States.

COUNT ONE
[18 U.S.C. §§ 1466A(a)(1) and 3261(a)(1)]

The general allegations set forth in paragraphs one through three of this Superseding Indictment are re-alleged and expressly incorporated herein as if set out in full.

From on or about February 1, 2016, to on or about November 29, 2016, the Defendant, **DEREK RAY FLAMING**, knowingly received a visual depiction of any kind, as defined in Title 18, United States Code, Section 1466A(f)(1), that depicted a minor engaging in sexually explicit conduct, as defined in Title 18, United States Code, Section 2256(2)(A) and is obscene.

All in violation of Title 18 United States Code, Sections 1466A(a)(1) and 3261(a)(1).

COUNT TWO
[18 U.S.C. §§ 1466A(a)(1) and 3261(a)(1)]

The general allegations set forth in paragraphs one through three of this Superseding Indictment are re-alleged and expressly incorporated herein as if set out in full.

From on or about February 1, 2016, to on or about November 29, 2016, the defendant, **DEREK RAY FLAMING**, knowingly distributed a visual depiction of any kind, as defined in Title 18, United States Code, Section 1466A(f)(1), that depicted a minor engaging in sexually explicit conduct, as defined in Title 18, United States Code, Section 2256(2)(A) and is obscene.

All in violation of Title 18 United States Code, Sections 1466A(a)(1) and 3261(a)(1).

COUNT THREE
[18 U.S.C. §§ 2241(c) and 3261(a)(1)]

The general allegations set forth in paragraphs one through three of this Superseding Indictment are re-alleged and expressly incorporated herein as if set out in full.

From on or about May 1, 2015, to on or about October 23, 2016, the defendant, **DEREK RAY FLAMING**, did knowingly engage in and attempt to engage in a sexual act, as defined in Title 18, United States Code, Section 2246(2), with Minor Victim, a child who had not attained the age of 12 years, whose identity is known to the Grand Jury.

All in violation of Title 18 United States Code, Sections 2241(c), 2246(2) and 3261(a)(1).

COUNT FOUR
[18 U.S.C. §§ 113(a)(1) and 3261(a)(1)]

The general allegations set forth in paragraphs one through three of this Superseding Indictment are re-alleged and expressly incorporated herein as if set out in full.

From on or about November 1, 2016, to on or about November 16, 2016, the defendant, **DEREK RAY FLAMING**, did assault Minor Victim, a child who had not attained the age of 12 years, whose identity is known to the Grand Jury, with intent to commit aggravated sexual abuse in violation of Title 18, United States Code, Section 2241(c).

All in violation of Title 18 United States Code, Sections 113(a)(1) and 3261(a)(1).

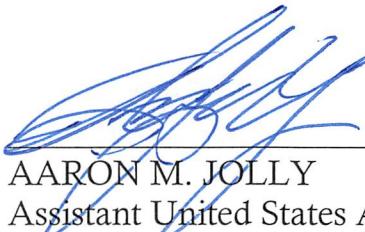
COUNT FIVE
[18 U.S.C. §§ 2242(1) and 3261(a)(1)]

The general allegations set forth in paragraphs one through three of this Superseding Indictment are re-alleged and expressly incorporated herein as if set out in full.

On or about November 18, 2016, the defendant, **DEREK RAY FLAMING**, did knowingly attempt to cause another person, Minor Victim, whose identity is known to the Grand Jury, to engage in a sexual act by threatening and placing Minor Victim in fear.

All in violation of Title 18 United States Code, Sections 2242(1) and 3261(a)(1).

CLINTON J. JOHNSON
United States Attorney


AARON M. JOLLY
Assistant United States Attorney

A TRUE BILL

/s/ Grand Jury Foreperson
Grand Jury Foreperson